

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

James S. Burgett, Chairman
Walter C. Zaremba, Vice Chairman
Sheila S. Noll
Kenneth L. Bowman
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO APPROVE APPLICATION NO. ST-11-05 TO AMEND CHAPTER 20.5, SUBDIVISIONS, YORK COUNTY CODE, TO ENSURE CONSISTENCY WITH OTHER SECTIONS OF THE YORK COUNTY CODE, TO CORRECT CERTAIN REFERENCES AND CONFORM PROVISIONS TO THE CODE OF VIRGINIA, AND TO CLARIFY AND ADJUST CERTAIN PROCEDURES

WHEREAS, Chapter 20.5, Subdivisions, of the York County Code became effective on December 1, 1991, and it has come to the attention of the Board of Supervisors that certain sections and provisions are in need of clarification and adjustment; and

WHEREAS, the York County Board of Supervisors has sponsored Application No. ST-11-05 to allow consideration of various amendments intended to correct these deficiencies; and

WHEREAS, said application has been referred to the York County Planning Commission for review and consideration in accordance with applicable procedures for zoning ordinance text amendments; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing and conducted subsequent deliberations and discussions on the proposed amendments and has recommended approval; and

WHEREAS, the Board has conducted a duly advertised public hearing and has carefully considered the Planning Commission recommendation and public input concerning this application.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the ____ day of ____, 2005, that it does hereby approve Application No. ST-11-05 to amend Chapter 20.5, Subdivisions, of the York County Code to read as follows:

Sec. 20.5-4. General rules of interpretation.

For the purpose of this chapter, certain words and terms shall be interpreted as follows:

- (a) Words used in the present tense include the future tense; words in the singular include the plural, and the plural includes the singular unless the obvious construction and context indicates otherwise.
- (b) The word "SHALL" is a mandatory requirement; the words "MAY" and "SHOULD" are permissive requirements.
- (c) The term "PERSON" includes individuals, partnerships, corporations, clubs and associations.
- (d) The word "INCLUDES" and its various forms does not limit a term to the specified examples, but is intended to extend the term's meaning to all instances or circumstances of a similar kind, character, or class.
- (e) Any reference to "THIS CHAPTER" or "THIS ORDINANCE" shall mean the Subdivision Ordinance of York County, Virginia and all amendments hereto; any reference to "THIS CODE" shall mean the Code of the County of York, Virginia and all amendments thereto.
- (f) References to sections of the Code of Virginia are applicable as to the effective date of this chapter. Subsequent changes to those sections, including renumbering, which do not result in a change in content or effect, shall be deemed to be incorporated herein, *mutatis mutandis*.

Sec. 20.5-5. Definitions.

For the purpose of this chapter, certain words and terms shall be interpreted as follows:

Best management practice (BMP). A practice, or combination of practices, that is determined by a state agency or the Hampton Roads Planning District Commission ~~or designated area-wide planning agency~~ to be the most effective, practicable means of

preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Buffer. An area, fencing, landscaping, or a combination thereof used to shield or block noise, lights, glare, pollutants, or other potential or actual nuisances. When located within a Chesapeake Bay Preservation Area or Watershed Protection Area, buffer shall mean an area of natural or established vegetation ~~managed~~ to protect other components of a resource protection area, reservoirs and state waters from significant degradation due to land or other disturbances.

Channel. The bed and banks of a watercourse which conveys the ~~constant or~~ perennial or intermittent flow of that watercourse.

Chesapeake Bay Preservation Area. Any land designated by the county pursuant to the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20-70 et seq.) and sections 10.1-2107, et seq., Code of Virginia of the Chesapeake Preservation Act, as they may be amended from time to time. The Chesapeake Bay Preservation Area consists of ~~board as~~ a Resource Management Area (RMPA) and ~~or~~ a Resource Protection Area (RPA).

Detention basin. A manmade or natural water impoundment designed to collect surface and sub-surface water in order to impede its flow and to release it gradually at a rate not greater than that existing prior to the development of the property, into adequate natural and/or manmade outlets or channels. Also referred to as a "dry pond."

Development. ~~The construction or substantial alteration of residential, commercial, industrial, institutional, recreational, transportation, or utility facilities or structures. Any~~ man-made change to improved or unimproved real estate including but not limited to buildings or other structures, excavating, mining, filling, grading or paving.

Floodplain. ~~All lands~~ area likely to be inundated by a flood.

~~*Highly erodible soils.* Soils (excluding vegetation) within an erodability index (EI) from sheet and rill erosion equal to or greater than eight (8). The erodability index for any soil is defined as the product of the formula $RKLS/T$, as defined by the "Food Security Act (F.S.A) Manual" of August, 1988 in the "Field Office Technical Guide" of the~~

~~U. S. Department of Agriculture Soil Conservation Service as it may from time to time be amended, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.~~

~~Highly permeable soils. Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches (6") of water movement per hour in any part of the soil profile to a depth of seventy two inches (72"), including permeability groups "rapid" and "very rapid," as found in the "National Soils Handbook" of July 1983 in the "Field Office Technical Guide" of the U. S. Department of Agriculture Soil Conservation Service as it may from time to time be amended.~~

~~Impervious surface. A surface that has been compacted or covered with a layer or layers of material so that it is highly resistant to infiltration of water into the soil. A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil.~~ Impervious surfaces include, but are not limited to: roofs, buildings, decks, streets, parking areas, and any concrete, asphalt, or compacted aggregate gravel surface.

Open space, common. Open space within or related to a development, not a part of individually owned lots or dedicated for general public use, but designed and intended for the common ownership, enjoyment and use of all the residents or property owners of the development.

~~Resource Management Area (RMA). The component of the Chesapeake Bay Preservation Area that is not classified as a Resource Protection Area. The RMA resource management area includes floodplains, highly erodible soils, including steep slopes, highly permeable soils, nontidal wetlands and hydric soils not included in the resource protection area, and other areas and lands deemed necessary to protect the quality of state waters.~~ is contiguous to and 500-foot landward of the Resource Protection Area or the extent of the 100-year floodplain, whichever is greater.

~~Resource Protection Area.~~ The component of the Chesapeake Bay Preservation Area comprised of tidal wetlands; nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; tidal shores; and a vegetated buffer not less than 100-feet in width located adjacent to and landward of the components listed above and along both sides of any water body with perennial flow. ~~at or near the shoreline that have an~~ These lands have an intrinsic water quality value due to the ecological and biological processes that they perform or are sensitive to im-

pacts, which may result in significant degradation to the quality of state waters. ~~The resource protection area includes tidal wetlands, nontidal wetlands connected by surface flows and contiguous to tidal wetlands or tributary streams, tidal shores, and other areas and lands deemed necessary to protect the quality of state waters.~~

Septic system. An underground system with a septic tank and one (1) or more drainlines depending on volume and soil conditions which is used for the decomposition of domestic wastes. This type of system may also be referred to as a soil absorption system.

~~*Tidal shore.* Land contiguous to a tidal body of water lying between the mean low water level and the mean high water level.~~

~~*Tributary stream.* Any perennial or intermittent stream, including any lake, pond, or other body of water formed therefrom, that is so depicted on the most recent U. S. Geological Survey 7½ minute topographic quadrangle map (scale 1:24,000), or the Soil Conservation Service, Soil Survey of James City and York Counties and the City of Williamsburg, Virginia or as otherwise dete~~

~~*Water dependent facility.* A development of land that cannot exist outside of the resource protection area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to ports, the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers, marinas and other boat docking structures, beaches and other public water oriented recreation areas, and fisheries or other marine resource facilities.~~

Wetlands. Wetlands are divided into two (2) classes:

- (a) *Nontidal wetlands.* ~~Those w~~Wetlands other than tidal wetlands, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U. S. Environmental Protection Agency pursuant to section 404 of the Federal Clean Water Act, 33 C.F.R. 328.3b, as may be amended from time to time~~dated November 13, 1986.~~
- (b) *Tidal wetlands.* Vegetated and nonvegetated wetlands as defined in section 28.2-1300~~62.1-13.2~~of the, Code of Virginia.

Sec. 20.5-13. Fees.

Plans or plats shall not be deemed to have been filed until the appropriate fee has been paid. All checks shall be made payable to the treasurer of York County.

- (c) Vacation of plat fee. There shall be a fee for processing an application to vacate a plat or part thereof. Said fee shall be exclusive of the costs of posting notice and advertisement as provided in section [15.2-2204](#)~~15.1-431~~, Code of Virginia, or recordation fees which may accrue. The costs shall be borne also by the applicant. The fee shall be in the amount of one hundred fifty dollars (\$150.00) per plat which is proposed to be vacated and shall be paid upon application.
- (d) Appeal/variance fee. There shall be a fee for the processing of an application to appeal the decision of the agent or to request a variance from the terms and conditions of this chapter. Such fee shall be exclusive of the costs of posting notice and advertisement as provided in section [15.2-2204](#)~~15.1-431~~, Code of Virginia, the costs of which shall also be borne by the applicant. The fee, in the amount of ~~two~~~~one~~ hundred fifty dollars (\$~~1~~250.00) per request, shall be paid upon application.

Sec. 20.5-26. Preapplication conference sketch plan.

Before the preparation of a preliminary plan for a subdivision, the subdivider is advised and encouraged to confer with the agent and such other agencies or departments as the agent may deem advisable relative to the terms of this chapter, the zoning ordinance, the comprehensive plan, and other pertinent ordinances and regulations. The purpose of such a preapplication conference is to assist the subdivider to gain a thorough understanding of all the requirements applicable to the particular property and to advise the subdivider of any recent, impending, or proposed changes in those requirements.

- (a) For the purposes of this conference, the subdivider is encouraged to prepare and submit a sketch plan of the proposed subdivision for informal review and comment by the agent and such other agencies or departments as the agent may deem advisable.
- (b) The sketch plan may be a pencil sketch on a 1"=100' scale topographic map of the property and should show the general location, arrangement, and dimensions of lots, streets, and other proposed improvements.

- (c) A preliminary draft of the Natural Resources Inventory, as defined in Chapter 23.2, that shows the location, if any, of Chesapeake Bay preservation areas and wetlands areas should accompany the sketch.
- (de) Sketch plans submitted for this conference and reviewed by the agent shall be nonbinding on both the subdivider and the county.
- (ed) There shall be no fee for the review of a sketch plan and the agent, if so requested by the subdivider, shall provide written comments to the subdivider within thirty (30) days of the submission of a sketch plan.

Sec. 20.5-27. Classification of subdivisions.

Subdivisions shall be classified as follows:

- (a) *Public service lots, rights-of-way.* When a lot is created for the sole purpose of developing a sewage or water facility or any other public facility, or for the sole purpose of widening or enlarging a road right-of-way, to be owned and operated or maintained by the Commonwealth of Virginia, county, other governmental or municipal entity, service authority, or sanitary district and title to such property passes at the same time as the plat is recorded, such lot shall be exempt from the requirements of this chapter except that the record plat shall adhere to the standards established in section 20.5-31(a) of this chapter. In the event that acquisition of a road right-of-way for a street, road or highway by the county or an agency or department of the Commonwealth of Virginia or the United States bisects an existing parcel, the result shall be deemed to constitute a lawful subdivision of the parcel only if both of the resulting parcels meet the minimum lot area and dimensional requirements specified for the zoning district in which located. In the event this is not the case, the parcel shall be deemed to remain a single parcel, despite the fact that it is bisected by a public right-of-way.

- (e) *Boundary line adjustment.* A boundary line adjustment shall be a resubdivision of a part of an otherwise valid and properly recorded plat of subdivision, or of two (2) or more adjacent lots, where no additional lots are created and existing or platted streets, rights-of-way, public easements, and public improvements are unaffected by such action. Further, no private easements or private rights-of-way shall be relocated or altered without the recordation of appropriate documents effecting such relocation or alteration. Typically, a boundary line adjustment is a minor realignment of a single line between two (2) platted lots.

Neither a preliminary plan nor a development plan shall be required of boundary line adjustments provided, however, that nothing in this provision shall be interpreted to authorize the creation of a lot or lots which would otherwise be prohib-

ited. Further, boundary line adjustments involving one (1) or more legally non-conforming lots shall not be permitted where the result of such adjustment would increase the degree of nonconformity or cause the lot to be buildable only with approval of an exception to the Chesapeake Bay Preservation Area requirements or other variance. Where the agent determines that the proposal goes beyond the intended minor realignment, he shall notify the subdivider, in writing, of such finding and, in so doing may require the submission of more detailed plans for review.

Sec. 20.5-28. Preliminary plan.

Any person desiring to subdivide land shall, unless exempted under the provisions of section 20.5-27, prepare and submit ~~ten (10)~~ thirteen (13) copies (12 folded, 1 rolled) of a preliminary plan to the agent together with a completed application and the appropriate fee.

- (a) *Initial review by agent.* Upon the submission of a preliminary plan together with a completed application, Natural Resources Inventory -and the appropriate fee, the agent shall, within five (5) working days, review the plan to ensure compliance with all submission requirements established by article III of this chapter. Where the agent determines that all applicable submission requirements have not been met, the plans and application shall be returned to the subdivider with a written notice stating the specific deficiencies, referencing specific ordinances, regulations or policies, and generally identifying such modifications or corrections as will permit compliance with all submission requirements.

- (4) Where the agent has required that revisions or other actions, changes, conditions, or additional information be incorporated into the preliminary plan prior to approval, the subdivider shall resubmit, without additional fee, ~~ten (10)~~ thirteen (13) copies (12 folded, 1 rolled) of the revised plan together with the original or a copy of any marked plans returned to the subdivider by the agent. In addition, a narrative description shall be submitted regarding how each of the actions, changes, conditions, or additional information required has been addressed on the revised plan. The revised plan shall then be reviewed in the same manner and within the same time elements as was the original.

Sec. 20.5-29. Development plan.

The subdivider shall, unless otherwise provided by section 20.5-27 of this chapter, after receiving approval of the preliminary plan and within the time specified in section 20.5-28(d), submit ~~ten (10)~~thirteen (13) copies (12 folded, 1 rolled) of a development plan for the subdivision or section thereof prepared in accordance with article IV of this chapter to the agent together with the appropriate application and fee.

- (4) Where the agent has required that revisions or other actions, changes, conditions, or additional information be incorporated into the development plan prior to approval, the subdivider shall resubmit, without additional fee, ~~ten (10)~~thirteen (13) copies (12 folded, 1 rolled) of the revised plan together with the original or a copy of any marked plans returned to the subdivider by the agent. In addition, a narrative description shall be submitted regarding each of the actions, changes, conditions, or additional information required has been addressed on the revised plan. The revised plan shall then be reviewed in the same manner and within the same time elements as was the original.

Sec. 20.5-30. Final plat.

The subdivider shall, unless otherwise prescribed in section 20.5-27 of this chapter, after approval of the development plan and within the time specified in section 20.5-29(d), submit ~~eight (8)~~thirteen (13) copies (12 folded, 1 rolled) of the final plat for those sections contained on the approved development plan to the agent for review and approval. The final plat shall be prepared in accordance with article V of this chapter and shall be submitted together with the applicable application and fee. The agent may, upon written request and for good cause shown, accept for review final plats before approval has been granted to development plans, however approval of a final plat requires that it fully conform with the approved development plan, if such a plan is required.

Sec. 20.5-32. Vacation of plats.

Any recorded plat, or part thereof, may be vacated pursuant to the provisions of sections 15.2-2270 to 15.2-2278 ~~15.1-480.1, 15.1-481, or 15.1-482 et seq.~~, Code of Virginia, both sections inclusive, as applicable.

Sec. 20.5-34. Special provisions for family subdivisions.

A single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the property owner. For the purposes of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, eighteen years (18) of age or older, or an emancipated minor under section 16.1-331 et seq., Code of Virginia, or parent of the owner. Such subdivision shall be subject to the following provisions:

- (a) Only one (1) such division shall be allowed per family member, as defined above, and shall not be made for the purpose of circumventing this chapter. Lots created under this section shall be titled in the name of the immediate family member for whom the subdivision is made for a period of no less than three (3) years unless such lots are subject to an involuntary transfer such as foreclosure, death, judicial sale, condemnation or bankruptcy.
- (b) The minimum width, yard, and area requirements of all lots, including the remaining property from which the lot is subdivided, shall be in accordance with the applicable provisions of the zoning [and Chesapeake Bay Preservation Area ordinances](#). Land proposed for subdivision shall be suitable for platting in accordance with section 20.5-66.
- (c) The provisions of this section shall apply only to those properties having a single-family residential zoning district classification.
- (d) For property not served with public water and public sewer, each lot shall have a primary and reserve septic system and a water source approved by the health department with evidence of such approval shown on the subdivision plat. If public water and public sewer facilities are available, as defined in this chapter, to the property proposed to be subdivided then all proposed lots shall be served by such facilities in accordance with applicable provisions of the Code.
- (e) Each lot or parcel of property shall front a public road or shall front upon a private driveway or road which is in a permanent easement of right-of-way not less than twenty feet (20') in width. Such right-of-way shall include a driveway within it consisting of, at a minimum, an all-weather surface of rock, stone or gravel, with a minimum depth of three inches (3") and a minimum width of ten feet (10'). The right-of-way shall be maintained by the adjacent property owners in a condition passable by emergency vehicles at all times. A notation to this effect shall be placed on the face of the final plat and this provision shall also be included in the deeds by which the subdivision is effected. Passable condition refers not only to the surface, but also to horizontal and vertical clearance. An erosion and sediment control plan with appropriate surety shall be submitted for approval if the proposed right-of-way and driveway construction disturbs more than two thousand five hundred (2,500) square feet. [The plat and deeds for the lots created under these provisions shall also include a notation acknowledging that neither York County nor the Virginia Department of Transportation shall in-](#)

cur any obligation for future maintenance or improvement of any private driveway serving such lots regardless of the number of lots such driveway serves.

- (f) Drainage and utility easements shall be dedicated to the county when deemed necessary by the agent to accommodate drainage and/or sanitary sewer facilities, whether for current or future needs, in accordance with applicable provisions of the county code.
- (g) For property which fronts on an existing street or streets whose rights-of-way are, in accordance with section 20.5-~~9470(e)~~, deficient in width, one-half (½) of the right-of-way width deficiency shall be dedicated by the subdivider at the time of plat recordation.

Sec. 20.5-47. Submittal requirements.

The subdivider shall submit to the agent ~~ten (10)~~thirteen (13) copies (12 folded, 1 rolled) of the preliminary plan on twenty-four inch by thirty-six inch (24" x 36") blue-line or black-line prints at a scale of one hundred feet (100') to the inch, except in cases where the agent has approved an alternate scale to facilitate showing the entire development on a single sheet. Where more than one (1) sheet is used, sheets shall be numbered in sequence and match-lines shall be provided and labeled.

The following information shall be shown on or appended to the preliminary plan:

- (d) A table of land use and statistical data, including:
 - (1) The total acreage of the property or properties to the nearest acre;
 - (2) The acreage of the area to be subdivided to the nearest acre;
 - (3) The zoning district classification;
 - (4) A summary of the zoning district requirements including minimum lot size, yard and setback requirements, open space, and any other pertinent requirements;
 - (5) The acreage and percentage of the total area which is classified as undevelopable area as defined in section 24.1-203 of the zoning ordinance;
 - (6) The acreage and percentage of the total area anticipated to be included within common areas;

- (7) The acreage and percentage of the total area anticipated to be maintained as landscaped open space;
- (8) The acreage and percentage of the total area anticipated to be contained within road rights-of-way;
- (9) The acreage and percentage of the total area anticipated to be impervious surface area for the entire subdivision and also the area of anticipated impervious cover for each lot;
- (10) The acreage and percentage of the total area anticipated to be included in the resource protection area and resource management area; the acreage of buildable area outside of the RPA on each lot as required by section Chapter 23.2-7(c) of this code.
- (11) The number of lots;
- (12) The maximum, minimum, and average lot areas.

- (l) A master drainage plan showing the proposed major drainage system, including significant existing and proposed structures and major stormwater management facilities proposed to convey the subdivision drainage to an adequate ~~natural~~ channel, pipe or stormwater system. The preliminary plan shall be required to include only approximate sizing of major pipes and ditches, general location and extent of all existing and proposed drainage utility easements, and the location and approximate dimensions of significant existing or proposed stormwater management facilities.
- (m) The approximate location of any floodplain area as depicted on the flood insurance rate map (FIRM) for York County, Virginia including the flood hazard zone designation(s) and elevation(s).
- (n) The approximate location and identification by size and common name of all heritage, memorial, and/or specimen trees located within proposed rights-of-way or utility easements.
- (o) The approximate location and extent of any known or suspected archaeological sites, historic sites, cemeteries, individual grave sites, and other similar cultural resources and including, as an attachment, a narrative description of the resource and its potential significance.
- (p) Identification of any portion or portions of the property which are located in the Watershed Management and Protection Area, any environmental management area overlay or Chesapeake Bay Protection-Preservation Area or a sensitive natu-

ral area, as defined in section 24.1-260(d) of the zoning ordinance. Such identification shall be accompanied by a general description of such area and what environmentally sensitive lands are believed to exist therein.

Sec. 20.5-48. Contents.

In addition to the information required to be shown on the preliminary plan, the following materials shall be submitted to the agent at the time of application to supplement the plan sheets:

- (a) Three (3) copies of impact analyses as may be required by article VIII of this chapter.
- (b) Three (3) copies of a Natural Resources Inventory as described in Chapter 23.2 including preliminary wetlands delineations.
- (c) A disclosure statement containing the following information:
 - (1) A statement as to the title to all of the land comprising the subdivision or development, including all deed restrictions and covenants which are, or are proposed to be, applicable thereto.
 - (2) A statement as to the presence of any known environmental or health hazards on or within the property and the condition of such hazards, including responsibility and potential effect on human health and the natural environment.
- (d) Where phases are proposed, a development schedule shall be submitted which shall clearly delineate the proposed phases and include a proposed schedule for the provision of improvements and facilities in conjunction with the proposed phases.
- (d) — A wetlands determination for subdivision proposals which, based on the most current edition of the Soil Survey of James City and York Counties and the City of Williamsburg, Virginia published by the USDA Soil Conservation Service, will have more than one (1) acre of land disturbance to hydric soils. Such determination shall be prepared by a professional qualified to perform such services.

Sec. 20.5-52. Submittal requirements.

The subdivider shall submit to the agent ~~ten (10)~~thirteen (13) copies (12 folded, 1 rolled) of the development plan on twenty-four inch by thirty-six inch (24" x 36") blue-

line or black-line prints at a horizontal scale no smaller than five feet (5') to the inch and a vertical scale of five feet (5') to the inch except in cases where the agent has approved an alternate scale. Where more than one (1) sheet is used, sheets shall be numbered in sequence and match-lines shall be provided and labeled.

The following information for the subdivision or part thereof shall be shown on the development plan or within the attachments to the development plan:

(d) Land use data, including:

- (1) The total acreage of the property or properties to the nearest one-tenth (.10) acre;
- (2) The acreage of the area to be subdivided to the nearest one-tenth (.10) acre;
- (3) The acreage and percentage of the total area of undevelopable areas as defined by section 24.1-203 of the zoning ordinance;
- (4) The zoning district classification;
- (5) A summary of zoning district requirements including minimum lot size, yard and setback provisions, and any other pertinent regulations such as the cluster requirements, if that technique is being utilized;
- (6) The acreage and percentage of the total area included within common areas;
- (7) The acreage and percentage of the total area within landscaped open space areas;
- (8) The acreage and percentage of the total area within road rights-of-way;
- (9) The acreage and percentage of the total area of impervious surface area within the proposed subdivision and including the maximum allowable impervious cover for each lot that has been used in the stormwater management system design;
- (10) The acreage and percentage of the total area within resource protection areas and resource management areas respectively; including the acreage of buildable area outside of the RPA on each lot as required by section 23.2-7(c) of this code.
- (11) The number of lots or units;

- (12) The density, both net and gross;
- (13) The maximum, minimum, and average lot sizes.

- (k) Existing and proposed site topography at a contour interval of no more than two feet (2') based on mean sea level with spot elevations provided at and along all proposed grade changes. At a minimum, the existing and proposed elevation at each corner of each lot along with the existing and proposed high or low point between lot corners shall be provided. Areas having slopes in excess of thirty percent (30%) shall be delineated on the plan.
- (l) A drainage plan showing the proposed drainage system including all existing and proposed culverts, drains, open ditches, ~~closed~~ storm drain pipes, watercourses, lakes and other stormwater management facilities proposed to convey the subdivision drainage to an adequate ~~natural~~ channel, pipe or stormwater system. Stormwater management criteria consistent with the provisions of the Virginia Stormwater Management Regulations (4 VAC 3-20), as they may be amended from time to time shall be satisfied. The development plan shall include detailed information about the sizing of all pipes and ditches, types of pipes, ~~and~~ ditch linings, location and extent of drainage easements, and the location and extent of all existing or proposed stormwater management facilities, their depths, slopes, invert elevations, lining, and other pertinent data. ~~Quantitative and qualitative~~ Drainage calculations shall be submitted with a drainage area maps showing the pre and post development conditions and the route of the travel used to determine the time of concentration to verify the design of the drainage system including the downstream adequacy of the ~~natural~~ channel, pipe or stormwater system receiving run-off from the subdivision. Positive drainage off of each lot must be demonstrated and the direction of drainage flows shall be shown on the plan.
- (m) An erosion control plan showing the location, type, and details of proposed erosion and sediment control devices to be used during and after construction. The erosion control plan shall meet or exceed all requirements of chapter 10 of this Code (Erosion and Sediment Control Ordinance) and shall be provided as a separate plan sheet ~~at a scale of one hundred feet (100') to the inch except where the agent approves an alternate scale for this part of the development plan.~~

- (t) Identification of any portion or portions of the subdivision or phase thereof which is or may be located in a Watershed Management and Protection Area ~~or environmental management area overlay~~ or Chesapeake Bay Preservation Area. Such identification shall be accompanied by a Natural Resources Inventory as defined in Chapter 23.2 and shall also include information concerning any

natural areas identified pursuant to the requirements of section 24.1-260(d) of the zoning ordinance. ~~description of such area, what environmentally sensitive lands exist therein, and the actions proposed by the subdivider with respect to such area or areas.~~

Sec. 20.5-53. Contents.

In addition to the information required to be shown on the development plan, the following materials shall be submitted to the agent to supplement the plan sheets:

- (f) Evidence that all required ~~wetlands environmental~~ permits from the U. S. Army Corps of Engineers, Virginia Department of Environmental Quality State Water Control Board, Virginia Marine Resources Commission and/or the York County Wetlands/Chesapeake Bay Board have been obtained or are unnecessary shall be submitted where the Natural Resources Inventory ~~wetlands determination required by section 20.5-48(d)~~ indicates that wetlands, State waters, waters of the US -and/or Chesapeake Bay Preservation Area disturbances will occur as a result of the proposed subdivision.

Sec. 20.5-57. Submittal requirements.

The subdivider shall submit to the agent thirteen (13)~~eight (8)~~ copies (12 folded, one rolled) of the final plat on blue-line or black-line prints at a scale of one hundred feet (100') to the inch except in cases where the agent has approved an alternate scale. Where more than one (1) sheet is used, sheets shall be numbered in sequence and match-lines shall be provided and labeled. The size of any final plat shall be eighteen inches by twenty-four inches (18" x 24").

The following information for the subdivision or part thereof shall be shown on the face of the final plat:

- (b) The location of the proposed subdivision or part thereof on an inset map at a scale of not less than two thousand feet (2,000') to the inch, showing adjoining roads, their names and state route numbers, towns, subdivisions, watercourses, and other landmarks. Said inset map shall be oriented north.

- (d) The location of any primary geodetic control network monument within the boundaries of the tract or within two (2) kilometers of the property with reference, identification and the X-Y coordinate value in U.S. survey feet or meters. Show and label the location(s) of the Primary Geodetic Control Monument(s) on the inset (vicinity) map.

- (k) The location of any resource protection area, ~~and/or~~ resource management area and/or watershed management area including delineation of all required buffers and setbacks. ~~If none of the area contained in the subdivision is within a resource protection area, or resource management area, or watershed management area a note to this effect shall be shown on the face of the plat.~~

- (o) The certificate of consent and dedication duly signed and notarized by all owners, including trustees, if any, in the format required by section ~~15.1-477~~ 15.2-2264, Code of Virginia.
- (p) The certificate duly signed by a land surveyor setting forth the source of title in accordance with section ~~15.2-2262~~ 15.1-476, Code of Virginia, and certifying that the monuments and survey markers shown on the plat have been correctly located and installed.

Sec. 20.5-58. Contents.

In addition to the information required to be shown on the face of the final plat, the following materials shall be submitted to the agent provided, however, that any document previously submitted, and which has not substantially changed, shall not be required to be resubmitted unless expressly requested by the agent in writing:

- (e) Unless previously submitted, evidence as required by section 20.5-53(f) that environmental wetlands permits have been obtained or are unnecessary.

Sec. 20.5-66. Suitable land.

The agent shall not approve the subdivision of land if it is determined by the agent that the site is not suitable for platting because of possible flooding, improper drainage,

steep slopes, Chesapeake Bay Preservation Areas, inadequate water or sanitation, the existence of utilities and easements or other features deemed not to be in the best interests of the public safety, health and general welfare.

Each lot shall be suitable for a building site. Where public utilities are unavailable, each lot, other than recreation or public service lots, shall pass a percolation test for the installation of a septic system with both a primary and a one hundred percent (100%) reserve drainfield and have a suitable location for a potable water well. Land not suitable within a proposed subdivision shall be platted only for uses not endangered by periodic or occasional inundation and only where it will not produce conditions contrary to the public welfare. Otherwise, such non-suitable land shall be combined with other lots.

Sec. 20.5-69. Underground utilities.

- (c) Whenever any existing on-site above ground utilities require relocation for any reason, they shall be removed and placed underground. In the event the development impacts existing off-site above ground utilities and necessitates their relocation onto the development site, such utilities shall be placed underground at the developer's cost, and the developer shall secure all necessary permits, easements, and approvals for such work.

Sec. 20.5-70. Lots.

Standards for lots are as follows:

- (a) *Size.* The minimum lot size and dimensions shall be in accordance with the zoning ordinance requirements for the zoning district in which the proposed subdivision is located. This does not apply to open space developments (cluster techniques) in accordance with section 24.1-402 of the zoning ordinance. All newly created lots located within Chesapeake Bay Preservation Areas, whether in a conventional or open space development, shall be of sufficient size to meet the special lot size requirements applicable in Chesapeake Bay Preservation Areas (reference section 23.2-7 of this code).
- (b) *Arrangement, design and shape.* The lot arrangement, design and shape shall relate to the natural topography and features of the land so that each lot has an acceptable building site with direct access from an improved street and adequate buildable area outside any of Resource Protection Area (RPA) buffers. Unusually shaped or elongated lots established primarily for the purpose of meeting

minimum lot size requirements, when such area would be unusable for the usual purposes to which such area would normally be placed, shall not be permitted by the agent.

- (c) *Location.* Each lot shall abut and have access to either a proposed public street right-of-way to be dedicated by the subdivision plat or an existing public street, unless otherwise specifically provided for in section 20.5-102 or article IX of this chapter. If the existing streets to which lots abut do not meet the minimum width requirements established by the department of transportation for street of that functional classification (traffic volume), ~~"tolerable" roads (see appendix A)~~, the subdivider shall dedicate the necessary right-of-way and construct the necessary pavement for such purpose in accordance with the standards established by section 20.5-93 of this chapter.

Sec. 20.5-73. Water.

Requirements for the provision of water within subdivisions are as follows:

- (e) *Fire protection.* Fire hydrants shall be installed in subdivisions at locations designated by the agent, in consultation with the department of fire and life pub-
lie-safety, at the time of an extension of public water or construction of a central water system. Where the subdivision is to be developed with individual wells, the agent, in consultation with the department of fire and life public safety, may require that alternative sources of water for fire suppression purposes be made available including construction of a fire suppression well system, provision of "dry" hydrants, and/or easements granting access to water sources. All fire hydrants located within a road right-of-way shall be placed between one foot (1') and three feet (3') from the edge of such right-of-way.

Sec. 20.5-74. Sewer.

Requirements and standards for sewage disposal in subdivisions are as follows:

- (a) *Public sewer.* If public sewer is available in accordance with other provisions of the Code (whether or not separated from the subject property by a hard surfaced road), it shall be extended to all lots within the subdivision including recreation areas where, because of their size and configuration, construction of facilities requiring connection to sewer is anticipated, but not remnants unsuited for building.

(b) *Individual sewer.*

- (1) If public sewer is not available, subdivisions with lots served by septic systems may be approved by the agent provided that the following documented proof of each of the following is submitted:
 - a. Both a primary location and a one hundred percent (100%) reserve location for the septic system will be provided, neither of which shall be located, in whole or in part, in the resource protection area;
 - b. The location and design for each septic system (both primary and reserve) has been accomplished in accordance with the most current edition of the "Sewage Handling and Disposal Regulations" of the Virginia Department of Health and all applicable provisions of this Code and has been specifically and individually approved by the health department;
 - c. Contamination or pollution of wells, groundwater, state waters, reservoirs, or any Chesapeake Bay resource preservation area or resource management area is unlikely to occur from any proposed individual septic system.
- (2) Any such subdivision submitted for review shall include the specific locations proposed for both primary and reserve on-site septic system installations with documentation of health department approval for each proposed location. Any proposed lots not suitable for the installation of private sewage disposal systems shall either be combined with lots that are suitable or dedicated to common open space or recreation use, so that only buildable lots are created.

(c) *Construction standards.*

- (1) All sewage disposal systems shall be constructed in accordance with all applicable construction standards contained in this Code and policies adopted by the county pursuant thereto. A construction permit shall be issued by the county administrator prior to the commencement of construction.
- ~~(2) Construction, installation, and maintenance of sanitary sewer systems shall be exempt from the provisions of section 20.5-85 of this chapter provided that:~~
 - ~~a. To the degree possible, the location of sanitary sewer system lines, facilities, and equipment should be outside of the resource protection area.~~

- ~~b. — No more land shall be disturbed than is necessary to provide for the desired utility installation.~~
- ~~e. — All such construction, installation, and maintenance of sanitary sewer utilities and facilities shall be in compliance with all applicable state and federal permits and designed and constructed in a manner that protects water quality.~~
- ~~d. — Any land disturbance resulting from the construction, installation, and maintenance of sanitary sewer systems which exceeds an area of two thousand five hundred (2,500) square feet shall be undertaken only after approval of an erosion and sediment control plan prepared, submitted, and reviewed in accordance with chapter 10, *Erosion and Sediment Control*, of this Code.~~

(d) *Off-Site sewer facilities costs.*

Where sewer facilities and improvements located outside the limits of the project are required to be constructed, the subdivider shall be eligible for such credits or cost sharing arrangements as are stipulated in this Code.

Sec. 20.5-75. Drainage.

Standards for drainage within subdivisions are as follows:

- (a) Improvements. Drainage and stormwater management facilities shall be provided, either on-site or off-site, to reduce drainage flows, pollutants, and sediment loading from the subdivision to ~~a level not exceeding the conditions prior to development in accordance with the requirements of the Virginia Stormwater Management Regulations (4 VAC 3-20), as they may be amended from time to time,~~ or to a lesser level if deemed necessary to comply with ~~the other provisions of this Code governing pollutant and sediment discharges within the Chesapeake Bay preservation area.~~ The agent shall approve, or approve with modifications, only those stormwater management facilities which comply with the Virginia Stormwater Management Regulations and adopted overall drainage plans and policies, if any. In this regard, the agent shall not generally approve, except as a temporary measure, on-site stormwater management facilities as an alternative to contributing (in accordance with the provisions of paragraph (b) of this section) to planned regional stormwater management systems. All management facilities shall be designed and constructed in accordance with the Erosion and Sediment Control Ordinance (chapter 10 of this Code) as supplemented by the latest editions of the Virginia Erosion and Sediment Control Handbook, -Virginia Stormwater Management Handbook and the Virginia Department of Transportation Drainage Manual as well as those laws, ordinances, criteria, regulations, or poli-

cies adopted by the Commonwealth or the county ~~pursuant to the Chesapeake Bay Preservation Act.~~

Sec. 20.5-76. Pedestrian and bicycle facilities.

Standards for pedestrian and bicycle facilities in subdivisions are as follows:

- (a) Sidewalks shall be provided as required by the zoning ordinance; at a minimum, sidewalks shall be installed along at least one side of all subcollector and higher order streets in all residential subdivisions having a net density of two (2) dwelling units per acre or greater.
- (b) Where sidewalks have been installed or guaranteed for installation by some form of performance guarantee along an existing street, any extension of said existing street into a proposed subdivision shall also extend the sidewalks.
- (c) Unless otherwise excepted by the agent, sidewalks shall be separated from the rear of the curb in accordance with the following standards based on the street classifications in section 20.5-91:

Street Classification	Minimum Separation
Access	03
Subcollector	03
Minor Collector	4
Major Collector	6
Minor Arterial	8
Major Arterial	10

The area of separation between the curb and sidewalk shall be planted with appropriate street trees at a minimum ratio of one (1) tree per each forty (40) linear feet of sidewalk.

- (d) The agent may modify or waive these sidewalk standards where the subdivider proposes to install a dual-purpose pedestrian and bicycle trail system which would serve substantially the same purpose as the sidewalk requirements contained herein. Such facility shall be designed and constructed in accordance with the applicable provisions of the standards for recreational facilities adopted by the county or other acceptable standard or facility design approved by the agent.
- (e) Where the proposed subdivision is adjacent to public use property including parks, schools, libraries, public recreation facilities and similar areas, the subdi-

vision shall be connected to said public use property by means of a dual-purpose pedestrian and bicycle trail which shall be designed and constructed in accordance with the applicable provisions of the standards for recreational facilities adopted by the county or other acceptable standard or facility design approved by the agent.

- (f) Sidewalks shall be designed and located, with the intent of providing security, tranquility and privacy for occupants of adjoining property and safety for users of the walkways.

Sec. 20.5-77. Streetlights.

Standards for streetlights in subdivisions are as follows:

- (a) At a minimum, streetlights shall be provided by the subdivider at roadway intersections and at such other locations as may be designated by the agent in consultation with the department of transportation and in accordance with the York County Streetlight Installation Policy as established by the board of supervisors~~the public safety department~~. Unless otherwise approved by the agent, streetlights shall conform with the following standards:
 - (1) All fixtures and mounting devices shall be architecturally compatible with the subdivision. In this regard, "cobra-head" or other fixtures with a horizontal extension between the mounting pole and the luminaire of more than eighteen inches (18") shall not be approved in residential subdivisions.
 - (2) On access, subcollector, and minor collector streets, mounting poles shall be installed in accordance with the clear zone requirements specified in the Virginia Department of Transportation Subdivision Street Design Manual~~not less than nine and one-half feet (9½') nor more than twelve feet (12') from the edge of pavement and shall be located on or near side property lines or the intersection of property lines on corner lots.~~
 - (3) The lighting plan shall be designed to illuminate roads, intersections and pedestrian facilities constructed within and along the boundaries of the subdivision.
 - (4) Luminaires shall be installed so as to reduce or prevent direct glare into residential units.
- (b) The subdivider shall deposit the applicable installation/operations~~maintenance~~ fee for the streetlight(s) with the agent once the costs have been determined by Dominion Virginia Power. prior to final plat recordation.~~Such fee shall be determined in accordance with section 20.5-13(e).~~Sufficient performance surety

shall be maintained by the subdivider for any required streetlights until the installation/operations fee has been paid.

Sec. 20.5-80. Street signs.

- (a) Permanent street identification signs of a design approved by the agent shall be installed at all intersections by the subdivider. Permanent street signs shall have reflective backgrounds and lettering and shall conform with the following size standards based on the existing or anticipated posted speed limit of the roadway to which the sign faces:

		Lettering Height	
Speed Limit	Sign Size	Upper case	Lower case
≤ 35 mph	9" x 30-48"	6 5"	4 2½"
36-50 mph	12" x <u>30-60"</u> <u>45-55"</u>	8 6"	6 3"
> 50 mph	18" x 55"	12"	9"

The agent will arrange for fabrication and installation of such signage upon the payment of the applicable fee as determined in accordance with section 20.5-13(e).

- (b) Prior to the issuance of building permits, temporary street identification signs shall be installed, by the subdivider, at all street intersections through which access to the lot(s) upon which construction will occur passes.

Sec. 20.5-81. Entrance signs.

Entrance signs or monuments to identify the subdivision shall conform with the provisions of the zoning ordinance and the following standards:

- (a) The maximum size ~~shall be forty (40) square feet~~ and the maximum height of such signs shall be in accordance with the standards established in chapter 24.1, zoning, of this code. ~~four feet (4') above average ground elevation~~. Signs have a minimum setback requirement of ten feet (10') and shall not encroach into sight triangles required by section 20.5-101.
- (b) Only the subdivision name and logo and any symbols indicating compliance with or participation in a governmentally sponsored or mandated fair housing practices program or code may be placed on any such sign. The agent may authorize signs on both sides of a development entrance, and at multiple entrances to the

development, provided that no individual sign shall exceed the allowable sign ~~40 square feet in~~ area specified by the zoning ordinance.

- (c) Where such signs are to be illuminated, only external illumination shall be permitted and the size, placement, and number of luminaires shall be reviewed and approved by the agent.
- (d) A landscaped planting area shall be provided surrounding the base of such sign. The minimum size of such planting area shall be four (4) square feet for each one (1) square foot of sign area. Appropriate groundcovers (other than grass) and shrubs shall be installed within the planting area, including a minimum of six (6) shrubs.
- (e) Walls, fences and other similar treatments which delineate or define the entrance to or boundaries of a subdivision shall require the submission of architectural renderings for approval by the agent.
The agent shall deny or require modification of plans for such features when he finds that the installation would be visually obtrusive upon adjacent properties or public streets, be incompatible with the character of existing or anticipated surrounding development, or conflict with other goals and policies of the county.

Nothing contained in this section shall be interpreted to prevent the mounting of entrance signs on decorative fences or walls.

Sec. 20.5-83. Preservation of natural features and cultural resources.

The natural terrain and features of the land, including heritage, memorial, significant and specimen trees, natural watercourses, perennial streams and other water areas, historic and archaeological sites, scenic areas and other features and resources worthy of preservation located within the area encompassed by any proposed subdivision of property in the county shall be preserved and protected during the development process to the extent possible while enabling reasonable development of property. In this regard, no more land disturbance than absolutely necessary to accommodate reasonable development shall occur and extensive cut and fill of the natural topography shall not be allowed.

The removal of trees or the clearing and grading of land by the subdivider shall be generally permitted only to accommodate the construction and installation of those improvements required by this chapter or other portions of this code or on those lots for which a valid building permit has been issued. Mature trees throughout the remainder of the area encompassed by any proposed subdivision of property shall be protected in accordance with the Virginia Erosion and Sediment Control Manual or other generally accepted tree protection measure during construction and installation of subdivision

improvements. In any case, limits of clearing and grading shall be clearly shown on development plans.

Sec. 20.5-84. Landscaping, buffers and screening.

(b) *Tree planting and replacement.*

- (1) In accordance with section ~~15.2-961~~~~15.1-14.2~~, Code of Virginia, trees shall be preserved, planted or replaced on all residential lots, excluding recreation lots. Tree preservation/planting shall be accomplished such that, within twenty (20) years growing time, the minimum tree canopy or cover on residential lots shall be twenty percent (20%).
- (2) The required tree canopy or cover shall generally be evenly distributed across the lot with a preference for trees located in front of the principal building and along the rear property line.
- (3) The calculation of tree canopies shall be based on the Manual of Woody Landscape Plants, 4th edition, 1990, by Michael A. Dirr (ISBN 0-87563-347-1) or Street Tree Factsheets, 1993, Municipal Tree Restoration Program, Pennsylvania State University (ISBN 1-883956-00-5) as they may from time to time be amended.
- (4) Existing trees which are to be preserved and used to meet all or part of the canopy requirements shall be protected before, during, and after the development process in accordance with those standards contained in the zoning ordinance.
- (5) Newly planted trees and shrubs shall be selected, installed and maintained in accordance with the standards contained in the zoning ordinance.
- (6) In all subdivisions in nonindustrial zoning districts, deciduous shade trees shall be planted as street trees along all rights-of-way within and abutting the subdivision. Such trees shall be located either within the right-of-way itself or within a ~~ten~~five-foot (10~~5~~)' landscape preservation easement contiguous to such right-of-way and shall contain, at a minimum, one (1) tree planted approximately every forty feet (40'). Where located within an easement, the subdivider shall dedicate the easement together with a maintenance easement to the property owners' association or other entity approved by the agent and county attorney. All trees planted to meet this requirement shall have a minimum caliper of two and one-half inches (2½") and conform with the relevant provisions of the zoning ordinance. Existing trees which are within twenty feet (20') of the edge of the right-of-way and which are protected and preserved in accordance with the standards

contained in the zoning ordinance may be used to satisfy the planting requirement.

- (7) The subdivider shall have the option to meet the requirements of this subsection through actual installation/retention, a postponed improvement agreement with surety, establishment of restrictive covenants, or some combination which achieves the same intent.
- (c) *Buffers.* A landscaped buffer, broken only by necessary entrances approved by the agent, shall be established on all residential lots along all major roads abutting a proposed subdivision. Such roads shall be defined to include Routes 17, 105, 132, 134, 143, 171, 199, and Interstate 64 and such other routes as may be specified in section 24.1-245 of the zoning ordinance.
- (1) The minimum width of said landscaped buffer shall be thirty-five feet (35'), or such greater dimension as may be prescribed by the zoning ordinance, measured from the edge of the existing or reserved right-of-way.
 - (2) A landscape preservation easement, acceptable as to content and form by the county attorney and encompassing the required buffer, shall be granted to the county.
 - (3) The buffer shall be landscaped in accordance with the landscaping requirements contained section 24.1-243(a)(1) of the zoning ordinance, provided however, that lakes which are at least thirty-five feet (35') in width and are adjacent to such roadways shall be deemed to meet this requirement without the provision of the landscaping required herein.

Sec. 20.5-85. Chesapeake Bay preservation area.

~~The following standards shall apply to the subdivision of land located within Chesapeake Bay preservation areas as designated in the zoning ordinance:~~

Within Chesapeake Bay preservation areas, all development associated with the subdivision of land shall comply with the special performance standards and requirements set forth in Chapter 23.2.

Lot size shall be subject to the requirements of the underlying zoning district(s) provided, however, that any newly created lot shall have sufficient area outside the RPA within which to accommodate the intended development in full accordance with the performance standards set forth in Chapter 23.2 so that no land disturbance will occur in the RPA, except for such development otherwise specifically allowed in the RPA by the terms of Chapter 23.2. On newly created lots, the lot size and configuration shall be such that principal buildings can ~~shall~~ be located at least ten (10) feet from the RPA

buffer Chesapeake Bay preservation areas, all development associated with the subdivision of land shall comply with the following standards:

- ~~(1) No more land shall be disturbed than is necessary to provide for the desired use or development.~~
 - ~~(2) Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development allowed.~~
 - ~~(3) All development exceeding two thousand five hundred (2,500) square feet of land disturbance, including construction of all single family houses, septic tanks, and drainfields, shall fully comply with the provisions of chapter 10 of this Code.~~
 - ~~(4) Land development shall minimize impervious surface cover consistent with the use or development allowed.~~
- ~~(b) Resource protection area buffer.~~
- ~~(1) To minimize the adverse effects of human activities on the other components of the resource protection area as designated on the adopted Chesapeake Bay Preservation Map, on state waters, and on aquatic life, a one hundred foot (100') buffer area located landward of the other components of the resource protection area and containing vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present, and established where it does not exist.~~
 - ~~(2) A combination of a buffer area not less than fifty feet (50') in width and appropriate best management practices located landward of the buffer area which collectively achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the one hundred foot (100') buffer area may be employed in lieu of the one hundred foot (100') buffer.~~
 - ~~(3) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, if authorized by the agent on a case by case basis after presentation of evidence documenting that the resource protection area buffer will continue to function in a manner which equally protects water quality and that other practicable alternatives are not available. The following standards shall be observed:~~

- a. ~~Trees may be pruned or removed only as necessary to provide for minimally acceptable sight lines and vistas, and provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.~~
- b. ~~Any path shall be constructed and surfaced so as to effectively control erosion.~~
- c. ~~Dead, diseased, or dying trees or shrubbery may be removed at the discretion of the landowner, and silvicultural thinning may be conducted based upon the recommendation of a professional forester or arborist.~~
- d. ~~For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.~~

Sec. 20.5-86. Common property.

All lands and improvements which are not a part of individual lots or dedicated to the ownership and use of the general public but which are for the mutual benefit of the persons residing in or owning lots in the subdivision shall be established, designated, and maintained as common property. Such property shall not be developed for commercial or residential purposes or for the exclusive use of any individual within the subdivision. The creation of such property shall conform in all respects to the requirements set forth in section 24.1-496 through 499 of the zoning ordinance.

Sec. 20.5-91. Street and road classifications.

All new streets and roads shall be classified as “local” streets as defined by the Virginia Department of Transportation and, for the purposes of this chapter, shall be further classified according to their function and the projected average daily traffic (ADT). Average daily traffic shall include all traffic projected to result from the complete development of land served by the subject street, including both internal and external trips. The trip generation rates contained in the most current edition of the Trip Generation Manual (Institute of Transportation Engineers, ~~Fifth(?) Edition, as it may from time to time be amended~~) shall be used to determine the projected ADT. The classification based on ADT shall take precedence over the functional description for purposes of determining street geometrics.

Sec. 20.5-92. Alignment and layout.

- (a) In accordance with section [15.2-2241-2](#) ~~15.1-466.A.2~~, Code of Virginia, all proposed streets shall be designed to coordinate with other existing or planned streets contiguous to or within the general area of the subdivision or within existing or future adjacent subdivisions as to location, width, grades, and drainage. Connections with existing or platted streets shall be continuous without offset.
- (b) The agent shall require that adequate rights-of-way are platted and dedicated for public use to the boundary line(s) of the subdivision which will afford desirable and safe street access to adjoining properties when such properties are of a compatible land use designation. In such cases, the following requirements shall apply:

- (1) These rights-of-way shall be clearly marked on the plats and labeled "Future Public Street" or "Future Public Street Extension" as appropriate. In addition, a sign shall be posted on the stub street right-of-way indicating that it is intended as a "Future Public Street Extension." Such sign shall be fabricated and installed by the County, with the costs of fabrication/installation to be paid by the subdivider.
- (2) The following notation in, at a minimum, twelve (12) point lettering shall be incorporated into any plat showing a stub or future street:

THIS RIGHT-OF-WAY IS PLATTED WITH THE INTENT OF BEING EXTENDED AND CONTINUED IN ORDER TO PROVIDE INGRESS AND EGRESS TO AND FROM ADJOINING PROPERTIES.

- (3) The following statement shall be included on the conveyance documents for any lot on a stub or future street:

THE RIGHT-OF-WAY UPON WHICH THIS LOT FRONTS HAS BEEN PLATTED WITH THE INTENT OF IT BEING EXTENDED AND CONTINUED IN ORDER TO PROVIDE INGRESS AND EGRESS TO AND FROM ADJOINING PROPERTIES, AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK _____, PAGE _____ /INSTRUMENT NO., CIRCUIT COURT FOR YORK COUNTY.

- (c) Where a street right-of-way in an existing subdivision or development has been platted to the boundary line of a proposed subdivision, it shall be extended and continued into such proposed subdivision unless the extension is specifically pre-

precluded by an approval by the board of an overall development master plan for the proposed subdivision as part of the establishment of a planned development district, or unless a waiver is granted by the agent after review by the department of transportation and upon the agent making one of the ~~two~~three findings enumerated in subparagraph (1) below:

(1) *Findings:*

- a. Such an extension would cause or contribute to a safety deficiency which could not be corrected in a practical or economically efficient manner as determined by the agent. In such cases, the subdivider shall be responsible for providing sufficient right-of-way and constructing within said right-of-way a permanent turnaround acceptable to the department of transportation to end the existing street.
 - b. The street right-of-way in the existing subdivision, although platted, has not had a street constructed within it, is not contained in the comprehensive plan, and it is unlikely that, in the foreseeable future, such a street will be so constructed. In such cases, the subdivider shall not be responsible for providing a turnaround acceptable to the department of transportation.
 - c. The existence of significant environmental conditions such as tidal or upland wetlands or severe slopes that, in the opinion of the subdivision agent, were not known or adequately considered at the time the potential extension was platted. -The need for the installation of a permanent turnaround by the subdivider shall be determined by the agent on a case-by-case basis based on local site conditions.
- (2) A traffic operations and safety analysis of all connections shall be performed by a transportation planner or engineer or other professional qualified to perform such analyses. Such analyses shall be used by the agent in determining whether to require interconnection and, if so, whether traffic-calming measures should be included in the design, or whether to grant a waiver. The traffic operations and safety analysis shall be submitted by the developer with the preliminary subdivision plan.
- (3) ~~No waiver may be granted if, by the granting of said waiver, any other provision of this chapter or the zoning ordinance would be violated, including specifically the requirement for two points of access required by section 20.5 92(f) of this chapter.~~
Upon review of the proposed subdivision plan and relevant traffic operations and safety analyses, the agent shall render a decision concerning whether to require interconnection, to require interconnection with traffic-

calming measures, ~~or~~, or to grant a waiver from the interconnection requirement. If the agent decides to require interconnection and if the subdivision street(s) to which the connection would be made pre-dates the notice requirements specified in subsections (b)(1), (2) and (3) above, t~~The agent shall, prior to approval of the Preliminary Plan, provide written notice of the decision fication to the developer and to the owners of record of parcels fronting on the road right-of-way to be extended and to any duly constituted property owners association representing adjacent lots or parcels.~~the adjacent property owners identified of the decision before approval of the preliminary subdivision plan. The notice shall state the location and times at which the plans and relevant traffic analyses may be examined. Inadvertent failure to provide such notice to one or more property owners shall not invalidate any aspect of the subdivision process.
~~No waiver may be granted if, by the granting of said waiver, any other provision of this chapter or the zoning ordinance would be violated, including specifically the requirement for two points of access required by section 20.5-92(f) of this chapter.~~

- (4) ~~Within thirty (30) days of the submission~~During the initial review of a preliminary subdivision plan which proposes or which will be required to provide an interconnection with a street or streets in an adjoining development which, the agent shall provide written notice of the proposed development and the decision regarding the street interconnection to the owners of record of parcels fronting on the road right of way to be extended and to any duly constituted property owners association representing adjacent lots or parcels. The notice shall state the location and times at which the plans and relevant traffic analyses may be examined. ~~Inadvertent failure to provide such notice to one or more property owners shall not invalidate any aspect of the subdivision process.~~ No waiver may be granted if, by the granting of said waiver, any other provision of this chapter or the zoning ordinance would be violated, including specifically the requirement for two points of access required by section 20.5-92(e) of this chapter
- (5) ~~Upon review of the proposed subdivision plan and relevant traffic operations and safety analyses, the agent shall render a decision concerning whether to require interconnection or to grant a waiver from the interconnection requirement. The agent shall provide written notification to the developer and the adjacent property owners identified above of the decision.~~
- (6)(5) The decision of the Agent with respect to requiring interconnection and granting or not granting a waiver may be appealed by any person or persons individually or severally aggrieved to the pPlanning commission within fifteen (15) days of notice of the decision having been mailed to the parties referenced above. The inadvertent failure to notify one or

more property owners shall not extend the time frame for appeal. The commission, after conducting a public hearing advertised in accordance with the terms of section ~~15.2-2204~~~~15.1-431~~, Code of Virginia, and upon reaching one of the findings enumerated in subsection (1) above, may affirm or overturn the decision of the agent and may impose reasonable conditions as a part of its decision. The fifteen-day time limit notwithstanding, the developer of a subdivision may appeal to the planning commission at any time during the course of development of the project.

- (7)(6) In ~~all~~ situations where the agent or the planning commission grants a waiver to the street interconnection requirement, an alternative means for bicycle and pedestrian access ~~shall~~may be required to be provided in close proximity to the otherwise required street based on local site conditions. Such bicycle and pedestrian facilities shall be either within an existing right-of-way or in ~~their own~~ a separate right-of-way and shall be designed and constructed in accordance with Figure VI-B in appendix A or with the standards used by the Virginia Department of Transportation for such facilities. Where the facility is designed to include the 16-foot wide base depicted in that figure, it will be deemed to satisfy the two points of emergency access required by section 20.5-92(~~ef~~).

~~(d)~~(d) Street intersections shall be spaced and designed in accordance with the standards set forth in the Virginia Department of Transportation Subdivision Street Design Guide, dated January 1, 2005, and as may be amended from time to time. ~~at least 150 feet apart when measured from centerline to centerline. Nonalignment of cross street intersections shall be prohibited including street jogs with centerline offsets of less than 150 feet.~~

~~(e)~~ Streets shall intersect at a ninety degree (90°) angle plus or minus five degrees (5°) for a minimum of fifty feet (50') from the intersection. No intersection shall have more than four (4) street approaches.

~~(f)~~(e) All subdivisions of twenty-five (25) or more lots shall have two (2) means of ingress and egress. A boulevard type of street design providing a minimum ten-foot (10') wide median between lanes or other design generally achieving the same purpose may be accepted by the Agent, with the concurrence of the Department of Fire and Life Safety, as satisfying this requirement when the provision of two (2) separate means of ingress and egress is determined to be difficult or undesirable. Such boulevard type streets shall extend as far into the subdivision as the first cross street which provides an alternate circulation route. Median breaks shall be provided at street intersections and at other appropriate locations to ensure good traffic circulation and delivery of emergency services. Street trees shall be planted in the medians of boulevard-type streets at a minimum interval of one (1) tree for each forty feet (40') of median length.

Sec. 20.5-93. Rights-of-way.

- (a) Where a subdivision abuts an existing public right-of-way which has a width deficiency created either because it is less than fifty feet (50') in width or because adopted plans show that a greater width will be necessary to accommodate those plans, the subdivider shall be required to dedicate additional rights-of-way as follows:
- (1) Where the subdivision abuts one (1) side of the right-of-way, the subdivider shall dedicate one-half (1/2) of the right-of-way deficiency along the frontage of the subdivision.
 - (2) Where the subdivision abuts both sides of the right-of-way, the subdivider shall dedicate all of the right-of-way deficiency along the frontages of the subdivision.
- (b) Where the subdivision embraces any part of an arterial or collector street or thoroughfare shown on an approved Comprehensive Plan, official map, or state or regional transportation plan, such street or thoroughfare shall be platted for dedication in the location and width indicated on such plan or map or as deemed necessary by the Virginia Department of Transportation (VDOT) and, except in the case of a limited or controlled access facility, shall be constructed and integrated as a part of the subdivision.
- (c) The minimum right-of-way width shall be fifty (50) feet, or such greater width as may be specified by the Virginia Department of Transportation Subdivision Street Design Guide based on its functional classification~~in accordance with the provisions contained in section 20.5-94 of this chapter based on the function and classification of the street.~~

Sec. 20.5-94. Geometric standards.

- (a) All streets shall have a continuity of design throughout their entire length. Multiple or step-down designs shall not be permitted except that a transition may be permitted at a four-way intersection or other major traffic generator which would constitute a clear demarcation of such change.
- (b) Geometric standards for streets without curb and gutter ~~shall be~~ are as set forth in the VDOT Subdivision Street Design Guide, dated January 1, 2005 and as may be amended from time to time. ~~follows:~~

Classification	Minimum Design Speed	Minimum R-O-W Width	Residential Pavement Width	Lot Access Permitted
Access	20	50'	18'	YES

Subcollector	20	50'	20'	YES
Minor Collector	25	50'	22'	*
Major Collector	30	60'	22'	NO
Minor Arterial	40	60'	24'	NO
Major Arterial	60	variable		NO
*Generally not permitted, but agent may allow on a case-by-case basis —in accordance with section 20.5-94.				

- (c) Geometric standards for streets with curb and gutter shall be as set forth in the VDOT Subdivision Street Design Guide, dated January 1, 2005 and as may be amended from time to time.
are as follows:

Classification	Minimum Design Speed (MPH)	RESIDENTIAL			Roll-top ² Curb Permitted
		Minimum R-O-W Width	Minimum Pavement Width ¹	Residential Lot Access Permitted	
Access	20	50'	30'	YES	YES
Subcollector	20	50'	30'	YES	NO
Minor Collector ³	25	50'	36'	*	NO
Major Collector ³	30	60'	38'	NO	NO
Minor Arterial ³	40	60'	40'	NO	NO
Major Arterial ³	40	60'	40'	NO	NO
¹ Generally not permitted, but Agent may allow on a case-by-case basis in accordance with section 20.5-94. ² Measured from face-to-face for CG-6 and CG-7 VDOT standard curb and from back-to-back for roll-top curb. ³ VDOT standard Roll Top type of valley curb. Does not include CG-7 designs. ⁴ Standards may vary depending on projected traffic volume					

- (d) ~~The minimum design standards set forth above apply in areas with terrain classified as “level” (0% to 8% slope) or “rolling” (8.1% to 15% slope). In areas with terrain classified as “mountainous” (greater than 15% slope), different standards may apply.~~
- (e) ~~The pavement width requirements for access and subcollector streets in non-residential subdivisions may be reduced by six feet (6') for curb and gutter streets where on-street parking is restricted, as determined by the department of transportation.~~
- (f) ~~The pavement width requirements for access and subcollector streets may be reduced by two feet (2') for curb and gutter streets of less than 0.5 miles in length.~~

~~(g) All street geometric design features shall conform with the standards established by the department of transportation.~~

Sec. 20.5-97. Cul-de-sac streets.

- (a) Cul-de-sac streets shall generally not exceed six hundred feet (600') in length. The length shall be measured from the end of the cul-de-sac to the closest intersection which provides a means of egress from the subdivision, either directly or indirectly. Where the agent determines that the topography, property configuration or other physical constraints are such that a cul-de-sac of greater length is required or desirable for the effective and efficient development of the property, the agent may authorize cul-de-sacs which exceed six hundred feet (600') in length. In such cases, the cul-de-sac street shall generally be designed with a landscaped median which divides the cul-de-sac street into (2) two distinct and separate lanes. Such street may, however, be continuously undivided for the final six hundred feet (600') measured from the end of the turnaround. Median breaks shall be provided at street intersections and at other appropriate locations along the street to ensure good traffic circulation and the delivery of emergency services. In general, this means that median breaks should occur approximately at three hundred foot (300') intervals. In consultation with the department of fire and life public safety, the agent may waive or modify the median requirement in planned developments and cluster subdivisions if it is determined that such a design will not aid emergency access and operations.
- (b) In recognition of the additional fire protection requirements incorporated into commercial and industrial structures, the agent, in consultation with the department of public safety, may waive the median requirement for cul-de-sac streets in subdivisions located in commercial or industrial districts.
- (c) Cul-de-sac streets shall be terminated by a turnaround having a minimum pavement radius of forty-five feet (45').

Sec. 20.5-99. Alleys.

In certain situations, the use of alleys may be a desirable alternative to the more traditional type of residential development. Alleys may be permitted in residential planned developments, cluster development, or similar residential subdivisions where average lot widths are less than seventy feet (70'), however, the following conditions shall apply:

- (a) Frontage on an alley shall not be construed to satisfy any lot frontage requirements.

- (b) Alleys shall be maintained and perpetuated by a duly constituted property owners' association and notations to this effect, including a note that such alleys will not be eligible for acceptance and maintenance by the Virginia Department of Transportation, shall be clearly indicated on the face of the record plat.
- (c) Alleys shall have a minimum right-of-way width of sixteen feet (16'), a minimum pavement width of twelve feet (12') and a maximum length of five hundred feet (500').
- (d) Alleys shall be designed to minimize or eliminate the potential for through traffic.
- (e) Alleys shall intersect only access or subcollector streets.
- (f) If curb and gutter is used, it shall be of a roll-top type design.
- (g) All structures, including garages and fences shall be set back a minimum of ten feet (10') from the edge of the alley right-of-way. Alleys shall not be considered streets or roads for the purpose of front yard setback requirements.
- (h) Where alleys are proposed to terminate in a cul-de-sac, either a circular or a "T" or "Branch" turnaround shall be provided with a minimum outside turning radius of thirty feet (30').

Sec. 20.5-101. Sight distance triangles.

- (a) Sight triangles shall be required at all street intersections. Such sight triangles shall include the area on each corner that is bounded by the corner radius formed by the right-of-way/property line pavement and a line connecting the property monuments at the two ends of the corner radius. ~~edge lines from the sight points to the point of intersection and the connecting line (hypotenuse) between the two sight points (see Figure VI A). The sight point location along a street shall be determined as follows based on the roadway classification:~~

Street Classification	Distance from Point of Intersection (Feet)
Access Street	20
Subcollector	20
Minor Collector	30
Major Collector	40
Minor Arterial	50

Major Arterial	60
----------------	----

- b) Signs, plantings, structures or other obstructions which obscure or impede sight lines between three feet (3') and six feet (6') in height above grade shall be prohibited within the sight triangle.
- (c) The sight triangle shall be clearly shown and its purposes noted on the final plat.
- (d) A right-of-entry for the purpose of removing any object, material or other obstruction that hinders the clear sight across the area shall be dedicated to the county and the Virginia Department of Transportation.
- (e) In the event the sight distance standards specified by the VDOT Subdivision Street Design Guide are more restrictive than the requirements of this ordinance, then the VDOT standards shall be observed.

Sec. 20.5-102. Private streets.

Private streets may be authorized by the agent in accordance with the applicable provisions of the zoning ordinance as it applies to planned developments, cluster subdivisions, and attached residential development and shopping centers. Where authorized, private streets shall conform with the following requirements:

- (a) The streets shall be designed to meet or exceed the geometric standards specified by the VDOT Subdivision Street Design Guide ~~contained in section 20.5-94 of this chapter shall be met or exceeded~~, provided however that the agent may approve minor deviations where the resulting design is clearly equal to or superior to that which would otherwise result.
- (b) The streets shall be designed to meet or exceed the construction standards specified by the VDOT Subdivision Street Design Guide, provided however that where ~~contained in section 20.5-95 of this chapter shall be met or exceeded~~. ~~Where~~ unique or nonstandard surface treatments are proposed, the agent may approve deviation from the standards provided that the subdivider provides evidence, certified by a professional engineer, that the proposed alternative will have the same or reduced maintenance requirements as would the otherwise required surface treatment.
- (c) A duly constituted property owners' association shall be vested with ownership of and maintenance responsibility for private streets at the time of recordation.
- (d) As provided by section ~~15.2-2242-3~~ 15.1-466.D, Code of Virginia, each plat on which such a private street is shown shall contain, in addition to all other required notations and certifications, the following notation prominently displayed in, at minimum, twelve (12) point lettering:

THE STREET(S) SHOWN HEREON IS/ARE PRIVATE, MAY NOT MEET STATE STANDARDS, AND WILL NOT BE MAINTAINED BY EITHER THE COMMONWEALTH OF VIRGINIA OR THE COUNTY OF YORK. MAINTENANCE OF THE ROAD(S) AND RIGHT(S)-OF-WAY SHOWN HEREON IS/ARE THE RESPONSIBILITY OF THE PROPERTY OWNERS ASSOCIATION FOR THE LOTS CREATED BY THIS PLAT.

Grantors of any subdivision lot to which the above statement applies must include the statement on each subsequent deed of conveyance thereof.

- (e) The subdivider shall be required to guarantee and post surety for the construction of any private streets authorized herein.
- (f) Private streets shall be inspected at the expense of the subdivider both during and after construction by an independent testing and engineering firm to ensure that the road design and construction meets or exceeds the standards of the department of transportation for public roads of the same class and volume. Certification to this effect by an engineer licensed in Virginia shall be submitted to the agent together with relevant logs and reports prior to the issuance of a certificate of occupancy for any structure having its sole access from a private street.

Sec. 20.5-109. Surety in lieu of completion.

- (a) Where the subdivider wishes to record the record plat, but physical improvements and installations, including public and private streets, shown on the approved development plan and/or final plat have not been made, in whole or in part, the subdivider may, in accordance with section [15.2-2241\(A\)\(5\)](#)~~15.1-466(f)~~, Code of Virginia, enter into a subdivision agreement (as described above) with the county and submit performance surety in an amount sufficient for and conditioned upon the satisfactory construction or completion of said improvements or installations. Such physical improvements and installations shall include, but not be limited to, any street; curb; gutter; sidewalk; bicycle trail; drainage or sewerage system; waterline as part of a public system; other improvement intended for dedication to public use to be maintained by the county, the Commonwealth, some other public agency or a property owners' association; site-related improvements required by this or other chapters of this Code for vehicular ingress or egress; public access streets; structures necessary to ensure the stability of slopes; and stormwater management facilities. The amount of surety shall be acceptable to the agent and shall cover the full estimated cost of said improvements plus a reasonable allowance for administration, overhead, inflation and potential damage to existing improvements.

- (d) Performance surety shall be released in accordance with the provisions of section ~~15.2-2245 15.1-466(1)~~ of the Code of Virginia, provided, however that "written ~~notice of completion~~application" shall consist of a set of "as-built" plans, a certificate of completion by a duly licensed engineer or surveyor, and a completed application form or letter to the agent requesting reduction or release of surety.

Sec. 20.5-116. Applicability and intent.

- (a) It is the intent of the county that the transportation and water quality impacts of certain development proposals be evaluated during the review process and, where such impacts are negative, that they be ameliorated to the extent possible.
- (b) The subdivider of any subdivision containing, or based on the existing zoning classification potentially containing fifty (50) or more lots shall prepare and submit to the agent a traffic impact analysis detailing the traffic impacts of the proposed subdivision, as defined in section 20.5-117.
- (c) The subdivider of any subdivision which will involve with development activity regardless of size wholly or partly within at resource protection area as determined by the Natural Resources Inventory ~~signed on the adopted Chesapeake Bay preservation area map~~ shall submit a water quality impact analysis in accordance with Chapter 23.2 which shall identify the impacts of the proposed subdivision and subsequent development thereon on water quality, the buffer and the lands in the resource protection area.

Sec. 20.5.118. Water quality impact ~~analysis~~assessments and impact studies.

- (1) ~~Where required (1),~~ For subdivisions of land in Chesapeake Bay Preservation Areas, an assessment of Wwater Qequality Iimpact Assessment s shall be required prepared and submitted to the Agent at the time of preliminary plan submission. The wwater quality impact assessment nalysis shall be prepared in accordance with Chapter 23.2 ~~contain sufficiently detailed information as to reasonably determine the impact of the proposed development on water quality. Specific attention, as may be appropriate to the individual proposal, should be given to the following elements:~~
- (2) For subdivisions of land in Watershed Management and Protection Areas, an impact study prepared in accordance with Section 24.1-376 of the Zoning Ordinance is required.
- (a) ~~A hydrogeological element that:~~

- ~~(1) Describes the existing topography, soils, hydrology, and geology of the site and adjacent lands;~~
- ~~(2) Describes the impacts of the proposed development on topography, soils, hydrology, and geology on the site and adjacent lands. Information to be considered should include:~~
 - ~~a. Removal or disturbance of wetlands;~~
 - ~~b. Disruptions to the supply of water to wetlands, streams, lakes, rivers, or other water bodies;~~
 - ~~c. Disruptions to existing hydrology, including wetland and stream circulation patterns;~~
 - ~~d. Location of and description of proposed fill material;~~
 - ~~e. Location of dredging and location of dumping area for such dredged material;~~
 - ~~f. Potential changes in the level of nutrients and estimation of pre and post loading pollutant levels;~~
 - ~~g. Potential changes in stormwater runoff, estimation of percent increase in impervious surface on site, types of surfacing material, and estimation of runoff quantities;~~
 - ~~h. Potential changes in water turbidity;~~
 - ~~i. Percent of site to be cleared for the project; and~~
 - ~~j. Duration of construction project; and~~
- ~~(3) Describes the proposed mitigative measures for the potential hydrogeological impacts. Potential mitigative measures include:~~
 - ~~a. Proposed erosion and sediment control concepts. Concepts may include the following:~~
 - ~~1. The minimization of cleared area;~~
 - ~~2. The use of perimeter controls;~~
 - ~~3. The reduction of runoff velocities;~~
 - ~~4. The proposal of methods to stabilize disturbed areas; and~~

- ~~5. The provision of a schedule and personnel for site inspections;~~
- ~~b. Proposed stormwater management concepts;~~
- ~~c. The construction of wetlands to replace those lost; and~~
- ~~d. The minimization of cut and fill; and~~
- ~~(4) Contains a listing of all applicable permits from all applicable agencies necessary to develop project and the status of acquisition of each.~~
- ~~(b) A vegetative element that:~~
 - ~~(1) Identifies and delineates the location of all significant plant material on site, including all trees on site with a caliper of six inches (6") or greater or the general locations of groups of trees;~~
 - ~~(2) Describes the impacts the development or use will have on the existing vegetation. Information should include:~~
 - ~~a. The general limits of clearing based on the expected building footprint;~~
 - ~~b. A clear delineation of all trees which will be removed; and~~
 - ~~c. A description of the plant species to be disturbed or removed; and~~
 - ~~(3) Describes the measures for potential mitigation. Possible mitigative measures include:~~
 - ~~a. A replanting schedule for trees and other significant vegetation removed for construction, including a list of plants and trees to be used;~~
 - ~~b. Demonstrating that the design of the plan has been accomplished to preserve to the greatest extent possible any mature trees and vegetation on the site and to provide maximum erosion control and overload flow benefits from such vegetation; and~~
 - ~~c. Demonstrating that the plants to be used are native to the area.~~
- ~~(c) An aquatic and endangered species element that:~~

- ~~(1) — Identifies and locates significant aquatic life on site and on adjacent lands. Information should include the following:

 - ~~a. — Shellfish beds;~~
 - ~~b. — Fish species in streams or rivers; and~~
 - ~~c. — List of endangered species;~~~~
- ~~(2) — Describes the impact the development will have on each of the existing aquatic and terrestrial species, including the impacts to habitats; and~~
- ~~(3) — Describes the measures for mitigation, including:

 - ~~a. — Re-establishment of disturbed habitat areas; and~~
 - ~~b. — A demonstration that the design of the plan has been accomplished to preserve to the greatest extent possible any significant aquatic and terrestrial species and habitat on the site.~~~~
- ~~(d) — A wastewater element, where applicable, that:

 - ~~(1) — Includes calculations of anticipated drainfield or wastewater irrigation areas;~~
 - ~~(2) — Provides environmental justification for sewer line locations in sensitive areas, where applicable, and describes construction techniques and standards for wastewater lines; and~~
 - ~~(3) — Discusses any proposed on site collection and treatment systems, their treatment levels, and impacts on receiving watercourses.~~~~
- ~~(e) — Identification of the existing characteristics and conditions of sensitive lands included as components of Chesapeake Bay preservation areas.~~
- ~~(f) — Identification of the natural processes and ecological relationships, existing characteristics and conditions, and an assessment of the impact of the proposed use and development of land on these processes and relationships.~~

Sec. 20.5-119. Review of analysis.

The Agent shall review, or transmit to appropriate departments or agencies for review, all submitted impact analyses, water quality impact assessments and impact studies. Such analyses, assessments and studies shall form the basis for recommendations to or requirements of the subdivider for the appropriate design of potential mitigation efforts.

Sec. 20.5-126. Commercial and industrial subdivisions.

Commercial subdivisions and industrial subdivisions shall comply with all of the requirements of this chapter, provided, however, that the agent may, upon a determination that the public interest is equally well served, waive or modify the following requirements:

- (a) The requirement that each lot created front on a public street or roadway provided that a notation to this effect shall be clearly shown on the final plat.
- ~~(b) The requirement for street widths exceeding thirty feet (30') for subcollector and minor collector streets provided that on-street parking is clearly prohibited as indicated by posted signs and/or painted curbs.~~
- (be) The requirement that through lots have access to only the roadway with the lesser traffic volume, provided, however, that the agent may require that access to the road with the lesser traffic volume be restricted or prohibited.
- (cd) The requirement that new electric utility service be placed underground in industrial subdivisions provided, however, that this shall apply only to three-phase electrical service in industrial subdivisions in which unscreened outdoor storage is permitted. In granting such a waiver or modification, the agent shall review and determine the appropriate location for such overhead utility placement. Nothing in this subsection shall be interpreted to waive or modify any requirement of the zoning ordinance with respect to the location of on-site utilities.

Sec. 20.5-128. Appeals and variances.

- (a) The county board of zoning and subdivision appeals shall hear and decide appeals and applications for variances from the terms or administration of this chapter.
- (b) The board of zoning and subdivision appeals shall have the following powers and duties with respect to the subdivision ordinance:
 - (1) To hear and decide appeals from any order, requirement, decision or determination made by the agent or other administrative officer in the administration and enforcement of this chapter, provided however, that the subdivider may appeal the failure of the agent to approve or disapprove a plan or plat within the timeframes contained herein or the disapproval by

the agent of such a plan or plat directly to the circuit court in accordance with section [15.2-2259](#)~~15.1-475~~, Code of Virginia.

- (e) Applications for variances may be filed with the secretary of the board of zoning and subdivision appeals by any subdivider. Such application and accompanying maps, plans or other information shall be promptly transmitted to the board of zoning and subdivision appeals and placed on the docket to be acted upon after public notice and hearing in accordance with section [15.2-2204](#)~~15.1-431~~ of the Code of Virginia. A copy of the application and accompanying documentation shall be transmitted to the planning commission which may send a recommendation or appear as a party at the hearing.
- (f) The board of zoning and subdivision appeals shall fix a reasonable time for the hearing of an application for a variance or an appeal, but in no case shall it be heard more than seventy-five (75) days after a complete application, including fees, is filed with the secretary. Applications shall be decided ~~within sixty (60) days of the first regularly scheduled meeting for which the matter is on the agenda~~ no more than ninety (90) days from the date the complete application was filed.

Sec. 20.5-129. Appeals from decisions of the board.

Any person or persons individually or severally aggrieved by any decision of the board of zoning and subdivision appeals with respect to this chapter, or any taxpayer or any officers, department, board or bureau of the county may present to the circuit court of the county, within thirty (30) days after the rendering of said decision by the board of zoning and subdivision appeals, a petition specifying the grounds on which aggrieved and the relief sought. The court shall review and decide on such petition in accordance with the provisions of section [15.2-2314](#)~~15.1-497~~, Code of Virginia.

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Modify FIGURE VI-A to eliminate table containing specific dimensions and to simply depict the concept of a “sight distance triangle”

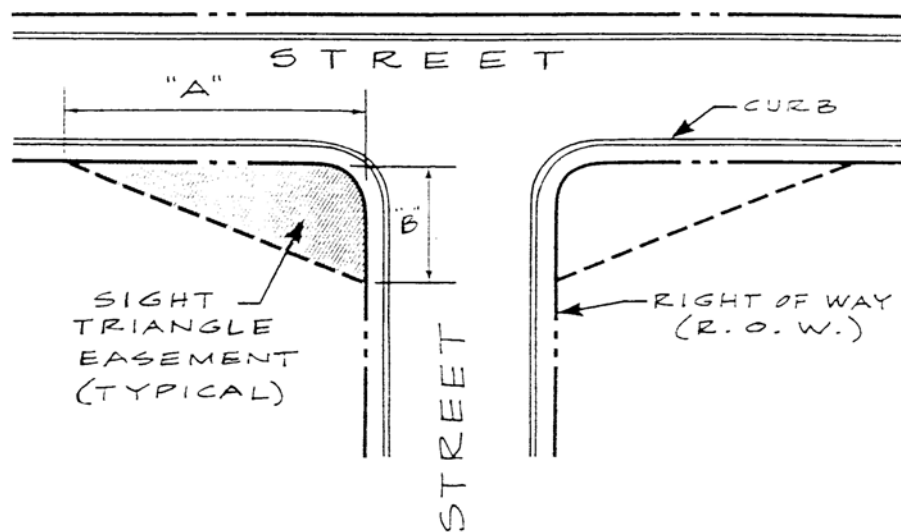


FIGURE VI-A SIGHT TRIANGLES

DELETE TABLE VI - 1

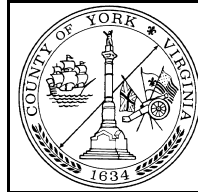
<u>VDOT TOLERABLE STANDARDS FOR EXISTING SECONDARY ROADS</u>		
<u>TRAFFIC COUNT (vpd)</u>	<u>BASE WIDTH (feet)</u>	<u>SURFACE TYPE</u>
<u>0-24</u>	<u>12</u>	<u>LIGHT</u>
<u>25-49</u>	<u>14</u>	<u>ALL-WEATHER</u>
<u>51-399</u>	<u>16</u>	<u>PAVED</u>
<u>400-999</u>	<u>18</u>	<u>PAVED</u>
<u>1,000-3,999</u>	<u>22</u>	<u>PAVED</u>
<u>4,000-5,999</u>	<u>24</u>	<u>PAVED</u>
<u>6,000-7,499</u>	<u>25</u>	<u>PAVED</u>
<u>7,500 AND OVER</u>	<u>25+</u>	<u>MULTI-LANE PAVED</u>

NOTE: These standards apply to existing roads only and do not infer an acceptable or desirable standard, only that geometries less than defined is "nontolerable."

TABLE VI-1

* * *

APPENDIX B
COUNTY OF YORK



SUBDIVISION AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 1920, by and between _____

_____,
(list full legal names of all owners of record, state of incorporation if incorporated, type of partnership if a partnership, or marital status if individual) hereinafter referred to as the "Owner," and the COUNTY OF YORK, Virginia, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the "County":

WITNESSETH:

WHEREAS, the Owner owns a certain parcel of land located in the County, hereinafter referred to as the "Property," having acquired the same by instrument(s) of record in the Clerk's Office of the Circuit Court of York County, Virginia, in Deed Book(s) ____, page(s) ____; and

WHEREAS, the Property is being subdivided by the Owner into the subdivision known as "_____", and the Owner has caused a plat of subdivision, dated _____, 1920, to be prepared by _____, which plat the Owner desires to admit to record in the Clerk's Office of the Circuit Court for the County of York, Virginia, hereinafter referred to as the "Plat"; and

WHEREAS, the Owner agrees to construct on or before the ____ day of _____, 1920, all physical improvements, hereinafter referred to as the "Improvements", shown on the development plans labeled "_____", dated _____, and approved by the County on _____, and such other plans and specifications for development of the subdivision approved by the County, all of which documents are on file in the County's Department of Environmental and Development Services ~~Community Development~~, are incorporated by reference, and are hereinafter collectively referred to as the "Plans"; and

WHEREAS, the Owner has submitted to the County herewith (circle one of the following) sufficient letter of credit, cash, or a certified check, in the amount of \$_____, hereinafter referred to as the "Surety," securing the timely construction and completion of the Improvements and performance of the terms and conditions of this Agreement; and

WHEREAS, the County has agreed that it will approve the final plat of said subdivision and authorize its recordation upon the execution of this Agreement.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the premises and the covenants and agreements herein contained, the parties hereto agree as follows:

1. The County agrees that, upon proper execution of this Agreement by the Owner and receipt of the Surety and receipt of the deeds described in Paragraph 8 below, it will approve the Plat for recordation. If the Surety is a letter of credit, it must be in the form attached as Exhibit A and completed in conformance with the instructions attached thereto, approved by the County Attorney as to form, content and issuing institution, and

acceptable as to amount, effective period, and otherwise to the County Administrator. Letters of credit shall be in effect for a minimum period of sixty (60) days beyond the date for completion of the Improvements.

2. The Owner agrees that the Owner will, without cost to the County, on or before the _____ day of _____, ~~1920~~, construct and complete the Improvements to the satisfaction of and to the standards and specifications of the County and all other governmental agencies or authorities having jurisdiction over the Improvements, including, but without limitation, the Virginia Department of Transportation.
3. The County may enter upon the Property to complete the Improvements and may draw on the Surety in the following events:
 - a. The Owner fails to complete the Improvements by the date specified in paragraph 2 above.
 - b. The Owner fails to complete by the date specified in paragraph 2 above the Improvements to the satisfaction of and to the standards and specifications of the County and all other governmental agencies or authorities having jurisdiction over the Improvements, including but without limitation, the Virginia Department of Transportation.
 - c. The Owner fails to commence construction of the Improvements at least ____ days prior to the date specified in paragraph 2 above.
 - d. The insolvency of, appointment of a receiver for, or the filing of a voluntary or involuntary petition in bankruptcy against or by the Owner.
 - e. The commencement of a foreclosure proceeding of a lien against the Property or its conveyance in lieu of foreclosure.
 - f. Owner breaches any of the terms and conditions of this Agreement.
4. In the event that the County draws on the Surety, it may use such funds to complete the Improvements or cause them to be completed. The Owner shall be liable to the County for any and all costs of completing the Improvements which shall be in excess of the Surety. It is the purpose and intent of the parties that the amount of the Surety shall have been determined to be sufficient to defray not only the anticipated cost of completing or having completed the Improvements but also unanticipated cost overruns, the cost incurred by the County in drawing on the Surety, an administrative fee in the amount of \$5,000.00, or five (5) percent of the amount of the cost of completing the Improvements, whichever sum is greater, and any and all other reasonable costs which the County has incurred or may conclude, in its sole discretion, are to be incurred. The Owner hereby acknowledges that an administrative fee in the above amount is reasonable compensation to the County for its costs in drawing on the Surety and, when necessary, causing the Improvements to be completed. The Owner acknowledges and agrees that the County is under no obligation to give any notice to the Owner of its intent to draw on the Surety in any of the events specified in this Agreement.
5. The County shall, upon drawing on the Surety, deposit the same in an interest-bearing account to the extent not needed to cover expenditures made or reasonably anticipated to be made in the near future, but the County shall have no responsibility to deposit or maintain any of such funds in an account at the maximum interest available. Upon completion of the Improvements, as determined by the County, and payment of all expenses incurred by the County in connection therewith, any unexpended funds, including any interest earned thereon, shall be returned to the Owner.
6. The County shall not be liable to the Owner or to any third party for the manner in which the Improvements are completed, any delay in effecting completion, the fact that the cost of completion is in excess of or less than the amount made available by drawing on the Surety or any part thereof, or that the County has drawn down the entire amount of the Surety even though it subsequently develops that the entire amount was not required to carry out the provisions of this Agreement.
7. The Owner acknowledges that the County is under no obligation to extend the time herein provided for completion of the Improvements by the Owner. However, in the event that the County unilaterally agrees in writing to do so, such writing shall, without more and without formal execution of any other agreement by the parties, constitute such an extension, and all of the terms of this Agreement shall continue in effect for the duration of such extension insofar as they are not inconsistent with the terms of the extension; provided, however, that no extension shall be effective until or unless the Owner furnishes to the County a new or amended Surety acceptable to the County if requested by the County. The County may require that the amount of the Surety be increased if an extension is permitted.

8. The Owner agrees to execute and to deliver to the County a deed of easement, approved as to form by the County Attorney, conveying to the County those easements identified on the Plat as easements running to the County. The Owner also agrees to execute and to deliver to the County a deed, approved as to form by the County Attorney, conveying fee simple title, with general warranty, to the County those areas, such as pump station sites or well lots, that are to be conveyed to the County, and to provide the County at Owners' expense an owner's title insurance policy issued by a company acceptable to the County Attorney, containing no exceptions as to title which are not acceptable to the County Attorney, and in such amount as may be determined reasonable and appropriate by the County Administrator.
9. It is mutually understood and agreed that if the Owner shall faithfully execute all requirements of this Agreement and all relevant laws and regulations, and shall indemnify, protect and save the County, its officers, agents and employees harmless from all loss, damage, expense or cost by reason of any claim made or suit or action instituted against the County, its officers, agents or employees on account of or in consequence of any breach on the part of the Owner, all of which the Owner hereby covenants to do, then the aforementioned Surety shall be released by the County to the Owner; provided, however, that release of the Surety shall not in any way or to any extent release, diminish or otherwise reduce any obligation or liability of the Owner provided in this Agreement.
10. The Owner does further hereby agree to indemnify, protect and save the County, its officers, agents, and employees harmless from and against all losses and physical damages to property, and bodily injury or death to any person or persons, which may arise out of or be caused by the construction, maintenance, presence or use of the streets, utilities and public easements required by, and shown on, the Plans and the Plat until such time as the said streets, utilities and public easements shall be accepted as a part of the County's systems, or those of its agencies, or the State System of Secondary Highways, as the case may be.
11. It is mutually understood and agreed that approval of the Plat shall not, by such approval alone, be deemed to be an acceptance by the County or other applicable agency of any street, alley, public space, sewer or other physical improvements shown on the Plat or the Plans for maintenance, repair or operation thereof, and that the Owner shall be fully responsible therefor and assume all of the risks and liabilities therefor, until such time as the County or other applicable agency has formally accepted them.
12. Upon completion of the Improvements, other than public roads, the Owner shall apply to the Subdivision Agent for final inspection of them and approval for acceptance. After approval of the Improvements by the Agent, Surety shall be maintained for an additional period of one year in the amount of five (5) percent of the cost of the Improvements, other than public roads or any other Improvement for which the materials or workmanship are otherwise guaranteed for a period of at least one year. During this one year period, Owner shall correct any defects in materials or workmanship in the installation of the Improvements. In the event Owner fails to do so after being requested to do so by the County, the County may draw on the Surety in order to affect such corrections.
13. The Owner shall, with regard to any Improvement to be conveyed to the County or any agency thereof:
 - a. When requested by the County, furnish the County permanent, blackline, reproducible "as built" drawings of such Improvement on 0.003 inch polyester film, in a form satisfactory to the County; and
 - b. Notify the Subdivision Agent prior to the conduct of any required test or final inspections of the Improvement; and
 - c. Furnish, through Owner's engineer, test reports prepared by an independent testing laboratory in accordance with the ACI Code for any structural concrete installed in the subdivision, and furnish a manufacturer's certification that all pipe installed in the subdivision meets applicable ASTM specifications; and
 - d. Be responsible for and bear all costs imposed upon the County by the Virginia Department of Transportation for inspections and/or testing of any roadway, drainageway or other facility shown on the Plans to be accepted by such Department.
14. The Owner warrants that there are no deeds of trust of record pertaining to the Property other than the ones identified below:

<u>Deed of Trust</u>	<u>Amount of Note Holder</u>	<u>Date of Deed of Trust</u>	<u>List all Trustees</u>	<u>Deed Book, Page</u>
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- 1.
- 2.
- 3.

15. The Owner shall be entitled to periodic partial and final complete release of the Surety pursuant to and if Owner complies with provisions of § 15.42-466.A(4)2245, Code of Virginia (1950), as amended, and, in the case of a partial release, furnishes the County with new Surety in the reduced amount, in the case of a bond.
16. This Agreement shall be binding upon the Owner and the Owner's successors and assigns.
17. Owner agrees, upon notification in writing by the County at any time after recordation of the Plat, that if an error has been discovered in such Plat, to record, at Owner's expense, an amended or corrected Plat, or other document acceptable to the County, to correct the error.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures and seals:

OWNER:

INDIVIDUAL OR INDIVIDUALS

_____(SEAL)

_____(SEAL)

CORPORATION

Attest:

By: _____(SEAL)
President (attach copy of corporate
resolution authorizing execution)

Secretary

PARTNERSHIP

By: _____(SEAL)
General Partner

Approved as to form:

County Attorney

COUNTY OF YORK, Virginia

By: _____
County Administrator

COMMONWEALTH OF VIRGINIA

County of York, to-wit:

I, _____, a Notary Public for the Commonwealth of Virginia at large, do hereby certify that _____, whose name as the Owner of the Secondary Parcel(s) is signed to the foregoing agreement bearing the date of the ____ day of _____, ~~19~~20, has acknowledged the same before me in the jurisdiction aforesaid. |

Given under my hand the ____ day of _____, ~~19~~20. |

Notary Public

My commission expires: _____

(PUT ON BANK LETTERHEAD)

IRREVOCABLE LETTER OF CREDIT NO. (1)

_____ (2) _____

County of York
 c/o Mr. ~~Daniel M. Stuck~~ [James O. McReynolds](#)
 County Administrator
 P. O. Box 532
 Yorktown, Virginia 23690

Re: _____ (3) _____ (13) _____

Gentlemen:

We hereby establish our Irrevocable Letter of Credit No. __ (1) __ in your favor, for the account of _____ (3) _____, available by your drafts drawn at sight on us up to the aggregate amount of _____ (4) _____, each such draft accompanied by the following document:

Your written statement certifying that _____ (3) _____ has defaulted in the performance of the terms and conditions of _____ (5) _____ Agreement with you, dated the __ (6) __ day of __ (6) __, 19__ (6) __, and that you are, in consequence, entitled to the amount of the accompanying draft.

All drafts drawn under this letter of credit must be marked "Drawn under __ (7) __ Letter of Credit No. __ (1) __ dated __ (2) __."

This credit is valid until _____ (8) _____ and drafts drawn hereunder, if accompanied by document as specified above, will be honored if presented on or before that date to _____ (9) _____ at _____ (10) _____ or, if said bank is not doing business at that address, then to any other address or location of said bank or its successor.

Except as otherwise expressly stated herein, this credit is subject to the "Uniform Customs and Practice for Documentary Credits," fixed by International Chamber of Commerce Publication No. 400, 1983 revision.

Very truly yours,

_____ (7) _____

By: _____ (11) _____

_____ (12) _____

- (1) Number assigned to letter of credit by bank.
- (2) Date issued.
- (3) Name of person, corporation, or partnership submitting letter of credit.
- (4) Amount of letter of credit written in words and numerals; i.e., fifty thousand and no/100 dollars (\$50,000.00).
- (5) Insert "his," "her," "its" or "their," as appropriate.
- (6) Date shown on agreement.
- (7) Name of bank.
- (8) Expiration date of letter of credit.
- (9) Name and address of bank.

- (10) Address of bank or branch thereof where letter of credit is to be presented. No letter of credit will be acceptable unless it may be presented at a bank office in York County, Gloucester County -or James City County or in the City of Newport News, Hampton, Poquoson, Williamsburg, Norfolk, Virginia Beach, Chesapeake, or Richmond.
- (11) Signature of authorized officer of bank.
- (12) Title of authorized officer of bank.
- (13) Name of project.
